

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PARKER-HANNIFIN CORP. and
PARKER INTANGIBLES, LLC,
Plaintiffs,

v.

TESTO, INC., a/k/a TESTO
NORTH AMERICA and
TESTO SE & Co. KGaA,
Defendants.

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CIVIL ACTION

No. 22-135

ORDER

AND NOW, this 24th day of April 2023, upon consideration of Plaintiffs' motion to dismiss Defendants' counterclaims (ECF 16) and Defendants' response (ECF 17), it is **ORDERED** that:

1. Plaintiffs' motion is **GRANTED** with respect to Defendants' first counterclaim seeking a declaratory judgment for non-infringement, which is **DISMISSED** without prejudice. Defendants may amend their non-infringement counterclaim **on or before Monday, May, 15, 2023**; and
2. Plaintiffs' motion is **DENIED** with respect to Defendants' second counterclaim seeking a declaratory judgment based on patent invalidity.

BY THE COURT:



Berle M. Schiller, J.